IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

MISC.APPLICATION NO.718 OF 2007
IN
CRIMINAL APPICATION NO.2191 OF 2007

Mr.Devang R. Sanghvi .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Devang R. Sanghvi, applicant in person

Mr.D.P.Adrule, A.P.P. for the State

CORAM : J.N.PATEL, J
VACATION COURT

DATED : 26TH DECEMBER, 2007

P.C.:

1. Heard.

2. The short question before this court is whether the pre-arrest bail granted to the applicant by this court in the sum of Rs.50,000/- will bind the Magistrate while considering his regular application for bail on charge sheet being filed.

3. The learned counsel for the applicant submits that the learned 22nd Metropolitan Magistrate's Court at Andheri is insisting for solvent surety in the sum of Rs.50,000/- and, therefore, it is required to approach the court for reduction of the amount.

4. It is his case that the co-accused in the case have been released at the stage of pre-arrest bail on furnishing surety in the sum of Rs.5,000/- each.

5. It appears that this court imposed a surety bond of Rs.50,000/- while considering the case of the applicant for pre-arrest bail only to procure his presence for the purpose of investigation and as the investigation is completed and charge sheet is filed, his case for regular bail can be considered on the same terms and conditions as in case of other co-accused.

6. In the given facts and circumstances, this court is of the view that the applicant can be also

released on a surety bond in the sum of Rs.5,000/- in case charge sheet is filed. Therefore, if the applicant makes an application before the Metropolitan Magistrate, 22nd Court, Andheri for regular bail, he may be released on P.R.bond with one surety in the sum of Rs.5,000/- as in case of other co-accused.

7. Application stands disposed of accordingly.

(J.N. PATEL, J)